

REMARKS

At the time the present Office Action was mailed (July 21, 2009) claims 1-50 were pending, with claims 1-3 and 14-41 withdrawn. Claims 4-13 and 42-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,208,626 to Brewer ("Brewer").¹

By this response, claim 43 is canceled, and claims 4, 42 and 44 though 50 are amended. Support for the new claim elements may be found, e.g., in the claims as originally filed, as well as in Figures 1 and 2 and their associated discussion.

Brewer, U.S. Patent No. 6,208,626, describes a real-time satellite communication system that uses separate control and data transmission paths. Importantly, it uses a hub and spoke architecture with the ground-based station being an integral part in data delivery. This system in Brewer requires real-time control and synchronization. In contrast, the applicant's disclosed system does not involve the ground-based system in the data path, but rather uses a peer-to-peer architecture. The disclosed system needs no precise timing and is not a real-time system. Thus, Brewer fails to describe, among other limitations, the system of claim 4 that includes a processor configured to, "after the airborne or spaceborne wireless communications device travels near to the destination terminal, control transmit of the large data file to the destination terminal." Under Brewer, data is routed to a destination terminal through the ground-based station.

Possibly, more importantly, Brewer fails to disclose transmitting a large data file over a high bandwidth channel to be stored in a large, mass storage device. Brewer only discloses a slow bandwidth channel which, at the rates disclosed in Brewer, would require two weeks to transmit or forward the claimed "large data files of at least an aggregate ten gigabytes." Moreover, Brewer fails to disclose, among other limitations, "mass data storage configured to store the large data files for a predetermined period of

¹ Silence regarding the position taken, or argument made, by the Examiner does not indicate any acquiescence to that position or argument.

time, when the predetermined period of time is greater than two minutes." Brewer fails to disclose any storage device sufficiently large to store such a large file. Brewer at best discloses buffering a data file (or portion thereof), where the data file is much smaller and is transferred over a much narrower bandwidth channel.

Moreover, claim 4 now recites more clearly that the airborne or spaceborne and movable wireless communications device (e.g. a satellite) first receives control signals regarding a large data file to be received, then receives and stores that large data file at an originating geographic location, and finally transmits at some time later the data file to a geographically remote destination terminal. Specifically, claim 4 now recites:

wherein the processor is configured to:

receive at a first time a control signal from a terrestrial station,

wherein the control signal schedules a time and provides an

originating geographic location to receive the large data file,

wherein the originating geographic location is associated

with the source terminal,

receive, at a second time and from the source terminal, the large

data file when the airborne or spaceborne wireless

communications device travels to the originating geographic

location, wherein the second time is after the first time, and

transmit at a third time the large data file to the destination terminal,

wherein the third time is at least two minutes after the

second time, and wherein the destination terminal is

geographically remote from the originating geographic

location.

Brewer simply fails to disclose or suggest, *inter alia*, these limitations. For at least all of the above reasons, the applicants believe that claim 4 is allowable. Similar

limitations have been added to the remaining independent claims, namely claims 42 and 49, and thus such claims are also allowable for similar reasons.

Overall, the applied reference does not disclose or suggest the features recited in the independent claims, and thus such claims are allowable. Since these independent claims are allowable, based upon the above reasons, the claims which depend from them are likewise allowable. If the undersigned representative has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 347168001US1 from which the undersigned is authorized to draw.

Dated: January 26, 2010

Respectfully submitted,

By 

Christopher J. Daley-Watson
Registration No.: 34,807
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-7198 (Fax)
Attorney for Applicant